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8 UNITED STATES DISTRICT COURT
9 FOR THE CENTRAL DISTRICT OF CALIFORNIA

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11 THE UNITED STATES OF AMERICA,) **CASE NO.: CR11-762-PSG**
12 Plaintiff,)
13 v.) **DEFENDANT'S SENTENCING**
14 JANETH BREWER,) **MEMORANDUM**
15 Defendant.) **Date: August 25, 2014**
16) **Time: 10:00 A.M.**
17) **Dept.: Courtroom of the HONORABLE**
18) **PHILIP S. GUTIERREZ, UNITED**
19) **STATES DISTRICT COURT JUDGE**
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18 Defendant Janeth Brewer hereby presents her sentencing memorandum. Probation has
19 concluded that the final guideline calculation is a level 19 criminal history 1 resulting in a
20 sentencing ranging of 30-37 months and has recommended the low end of 30 months.
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22 The defendant has reviewed the sentencing memorandum of the Assistant United States
23 Attorney and requests an additional two level departure resulting in a final guideline offense
24 range 11 with a sentencing options from 8 to 14 months, and seeking the low end of 8 months as
25 a sentence. Several of the reasons have already been included in the presentence report and in the
26 government's memorandum however we are also asking the court to consider other factors under
27 §18U.S.C. 3553(a) to arrive at a final offense level of 11. We believe that the suggested offense
28 level would afford adequate deterrence for future criminal conduct and protect the public from

1 further crimes of the defendant.

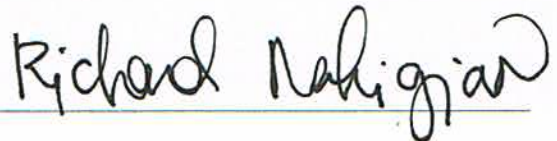
2 The defendant also cares for her two daughters and her niece and nephews and has a full
3 time job. The sentence that we are seeking would assist her in making restitution payments as per
4 the order. We are in accord with the restitution amounts suggested by the Probation Department
5 and by the Assistant United States Attorney.

6 If the court seeks to adopt our sentencing recommendations then according to the
7 sentencing table of the United States Sentencing Guidelines, the defendant would have an
8 offense level of 11, criminal category 1, and a sentencing range of 8-14 months. Pursuant to the
9 guideline manuals section §5C1.1 the imposition of the term of imprisonment can be satisfied
10 under Zone B of the sentencing table by a sentence of §5C1.1(c)(2) "a sentence of imprisonment
11 that includes a term of supervised release with a condition that substitutes community
12 confinement or home detention according to the schedule in subsection e provided that at least 1
13 month is satisfied by imprisonment".

14 Since criminal history 11 falls within Zone B of the sentencing guidelines, that particular
15 section would be applicable to the defendant's case. Therefore we are requesting the court to rule
16 that defendant serve 1 month by imprisonment and the balance of her sentence at home detention
17 according to the schedule in subsection e.

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19 DATED: August 21, 2014

Respectfully submitted,

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23 RICHARD E. NAHIGIAN

24 Attorney for Defendant

25 JANETH BREWER
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